

REMARKS

I. Claim Status

Claims 20-49 are all the claims pending in the application. Claims 20 and 35 are being amended. Claims 28 and 43 are being canceled.

II. Claim Rejections – 35 USC §102 and 35 USC §103

The Examiner rejected claims 20, 25, 35 and 40 under 35 USC §102(e) as being anticipated by Kraft (US 6,424,829 B1). The Examiner additionally rejected claims 20-21, 28-29, 31, 33-36, 43-44 and 46-49 under 35 USC §102(b) as being anticipated by Takala (WO 99/53699).

The Examiner further rejected claims 22-23, 26-27, 37-38 and 41-42 under 35 USC §103(a) as being unpatentable over Takala (WO 99/53699) in view of Alperovich et al (hereinafter Alperovich) (US 6,101,393). The Examiner additionally rejected claims 24 and 39 under 35 USC §103(a) as being unpatentable over Takala in view of Patil (US 6,625,460 B1). The Examiner then rejected claims 25 and 40 under 35 USC §103(a) as being unpatentable over Takala in view of Kraft (US 6,424,829 B1). Finally, the Examiner rejected claims 30, 32 and 45 under 35 USC §103(a) as being unpatentable over Takala in view of Lohtia (US 6,560,456 B1).

a. Kraft and Takala Do Not Teach the Claims

The Applicant herein amends claim 20 to incorporate the elements of claim 28, describing “wherein there are a plurality of alternative handling instructions set up for the message receiver, and wherein a content of the SMS message is used to select the appropriate alternative handling instruction from the plurality of alternative handling instructions.” Claim 35

has correspondingly been amended to incorporate the elements of claim 43. Claims 28 and 43 have therefore been canceled.

In view of the amendments, the Applicant submits that neither Kraft nor Takala, taken alone or in combination, teach the elements of the newly amended claims 20 and 35. Specifically, Kraft does not teach where the *content* of the SMS message is used to select the appropriate alternative handling instruction. Kraft teaches only that an “identification means” of a message comprises the “sorting criteria” to sort a message into a folder. *Kraft*, col. 4, lines 34-38. Kraft further states that the “parameters are the same as the sorting criteria,” and that the “parameters may be the receivers/senders phone number, name, etc., i.e., *information which identifies the receiver/sender.*” *Kraft*, col. 4, lines 59-64 (emphasis added). Therefore, Kraft only uses the identification information of a message, not the content of the message, to sort the message into a folder.

In contrast, the claimed invention uses the *content* of the SMS message to select the appropriate alternative handling instruction. The content of the message is separate from the identification information of an SMS message, and allows the receiving party to perform more advanced message management on incoming messages.

Takala also fails to disclose the use of the content of an SMS message to select an appropriate alternative handling instruction, as Takala, similarly to Kraft, only discusses determining the identification information of a message or phone call in order to generate an appropriate message response. Takala states that “the answering server 2 comprises means 10 for identifying the A-subscriber on the basis of the telephone number and/or electronic mail address....” *Takala*, p. 6, lines 29-33. Takala makes no mention of using the content of an incoming message or phone call to determine how to respond to the call. Therefore, Takala also

fails to disclose where the *content* of the SMS message is used to select the appropriate alternative handling instruction, as recited in newly amended claim 1 and claim 35.

For at least the reasons stated above, the Applicant submits that both claims 20 and 35 are allowable over Kraft and Takala, taken alone or in combination, as neither Kraft nor Takala disclose using the content of an SMS message to select an alternative handling instruction.

b. Dependent Claims

Furthermore, as claims 21-27, 29-34, 36-42 and 44-49 all depend from either claim 20 or claim 35, the Applicant further submits that the aforementioned claims are allowable at least based on their dependency to claims 20 and 35.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Scott H. Davison/

SUGHRUE MION, PLLC
Telephone: (619) 238-3545
Facsimile: (619) 238-4931

Scott H. Davison
Registration No. 52,800

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 11, 2008